



Agenda Date:
Agenda Item

STATE OF NEW JERSEY
Board of Public Utilities
Two Gateway Center
Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
COMCAST CABLEVISION OF GLOUCESTER)
COUNTY, INC., FOR A RENEWAL)
CERTIFICATE OF APPROVAL TO CONTINUE)
TO CONSTRUCT, OPERATE AND MAINTAIN)
A CABLE TELEVISION SYSTEM IN AND FOR)
THE TOWNSHIP OF MANTUA, COUNTY)
OF GLOUCESTER, STATE OF NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE99120948

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the Petitioner.

Township Clerk, Township of Mantua, New Jersey, by John J. Tighe, for the Township.

BY THE BOARD:

On January 17, 1980, the Board granted Gloucester County CATV Associates ("Gloucester CATV") a Certificate of Approval in Docket No. 7911C-6575, for the construction, operation and maintenance of a cable television system in the Township of Mantua ("Township"). On May 29, 1980, in Docket No. 805C-6680, the Board approved the transfer of the Certificate from Gloucester CATV to Storer Communications of Gloucester County, Inc. ("Storer Gloucester"). On July 1, 1988, in Docket No. CM8605542, the Board approved an internal corporate reorganization authorizing Riverfront to transfer its assets and Certificates of Approval to Storer Cable Communications of Gloucester County, Inc. d/b/a Storer Cable Communications ("Storer"). On September 24, 1990, the Board granted Storer a Renewal Certificate of Approval for the Township, in Docket No. CE89090803. On June 27, 1994, Storer notified the Board's Office of Cable Television that it would now be known as Comcast Cablevision of Gloucester County, Inc. d/b/a Storer Cable Communications ("Comcast"). This transaction was an internal reorganization not requiring Board approval. Subsequently, Comcast dropped the name Storer and is now known as Comcast Cablevision of Gloucester County, Inc. ("Petitioner"). The Petitioner's Certificate expired on January 17, 2000, however, it is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Township on April 15, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On October 26, 1999, the Township adopted a municipal ordinance granting renewal consent to the Petitioner. On November 15, 1999, the Petitioner accepted the ordinance in accordance with N.J.S.A. 48:5A-24.

On December 16, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Office of Cable Television finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner will maintain a local business office for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 304 South Broad Street in Woodbury City.
8. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

9. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
10. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. The ordinance requires the Petitioner to continue to provide residents with public access opportunities on a system wide community access channel maintained by the Petitioner. The channel shall be available for use by qualified individuals and organizations for cablecasting non-commercial access programming. The Petitioner provides the use of some production equipment and assistance in producing PEG access programs.
11. The Petitioner shall continue to provide total preferred cable service of one outlet, free of charge, to each police, fire, first aid, public library, public safety, community center, and emergency management facility in the Township, provided that the facility is within 200' of active cable distribution plant. The Petitioner shall also continue to provide total preferred cable service of one outlet, free of charge, to each public and private school in the Township, provided that the school is within 200' of active cable distribution plant. Each additional outlet installed above shall be paid for by the Township or the school, however, the Petitioner shall waive monthly service charges for additional outlets.
12. The Petitioner shall provide one free basic Internet access service, via high-speed modem, to one non-networked personal computer to each public and private school and library in the Township. The computer shall be for student or public use and shall not be used for administrative purposes only.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on January 17, 2010.

DATED: April 19, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

EDWARD D. BESLOW
ACTING SECRETARY